

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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THOMAS E. RUUD,

Plaintiff,

Case No. 1:10-cv-648

v.

HON. JANET T. NEFF

CORRECTIONAL MEDICAL  
SERVICES, INC. et al.,

Defendants.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation (Dkt 30) filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed May 26, 2011, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that defendant Onuigbo's Motion for Summary Judgment (Dkt 24) is **GRANTED** and this action is **TERMINATED** for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997).

**IT IS FURTHER ORDERED** that should plaintiff appeal this decision, the court will access the \$455 appellate filing fee pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11,

unless plaintiff is barred from proceeding *in forma pauperis*, e.g., by the “three-strikes” rule of § 1915(g). If he is barred, he will be required to pay the \$455 appellate filing fee in one lump sum.

Dated: June 20, 2011

/s/Janet T. Neff  
JANET T. NEFF  
UNITED STATES DISTRICT JUDGE